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EXAMINER

GREENE, DANIEL L

ART UNIT PAPER NUMBER

3621

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/541,443

Applicant(s)

DEDRICK ET AL.

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/5/2004 have been fully considered but they are not persuasive.
2. Applicant cites that the references do not teach or suggest all the claim limitations. The applicant highlighted the phrase, " a plurality of user accounts' and "one of the plurality of user accounts". The Applicant further states the reference Robert, discloses software licensing management system directed to regulating the use of software in accordance with the terms of an associated license.
3. The Applicant first submits that Robert does not teach or suggest " a plurality of user accounts" as recited in claims 1, 12, and 16. The Examiner disagrees and directs the Applicants attention to Col. 3, lines 25-30 where Roberts discloses, " the license data base 11 contains a plurality of entries 20 ..." Roberts thus suggest " a plurality of user accounts..."
4. The Applicant next submits that Leyba does not teach or suggest, " a plurality of user accounts" and " controlling the assignment of licenses...". The Examiner disagrees and directs the Applicants attention to the premise of the Abstract which suggests " A plurality of users ... registered over a network to share information ...". By definition, a plurality of users registering creates a plurality of user accounts.

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Addressing the Applicants premise that one reference does not contain all the limitations when in fact the reference was used in combination with others, the Examiner submits, one cannot show non-obviousness by attacking the references individually where the rejection is based on a combination of references. *In re Young*, 159 USPQ 725 (CCPA 1968).

Also, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Robert and Leyba deal with a plurality of users sharing information within a controlled registered environment.

1. The Applicant submits that the uniqueness of his application is that an electronic asset is assigned by a user having one of a plurality of user accounts and controlling the assignment of the license of the electronic asset to another user having one of a plurality of user accounts.
2. In reference to claims 1, 12, and 16, the Applicant submits that Robert '863 does not disclose an electronic asset assigned by a user having one of a plurality of user accounts. The Examiner submits that Robert '863 deals with a software licensing management system that controls the usage of a licensed program within the scope of the license. The scope of the license comes from the

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originator or their representative on how they want the software used and the cost of use. The purpose of establishing the scope of the license is such that the originator can then license/assign the program to the distributor/lending library for distribution. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to understand that an originator could assign his electronic asset for distribution by a facility.

3. The Applicant submits that what is unique is that the originator is a user of the electronic asset library that he has assigned his electronic asset to. The Examiner submits that the aforementioned limitation is the same thing as a movie producer going to Blockbuster and renting a movie where his film is being distributed. There is nothing unique or original in a movie producer renting films where his film is distributed or an originator of software using other software acquired from the same facility as where his software is distributed.

4. The Applicant further submits that the user is unique because he has one of a plurality of accounts. The Applicant does not specify in his claims where the user has one of a plurality of accounts. It would have been obvious to a person of ordinary skill in the art at the time the invention was made for an originator of software to be one of a plurality of accounts in an electronic lending library because an electronic lending library provides a plurality of software programs. Also, an originator may have more than one program to market just as a filmmaker so they would license their multiple items to the same outlet that they would use to acquire similar items different from their own.

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5. The Applicant's last limitation was controlling the assignment of the license of the electronic asset to another user having another one of the plurality of user accounts. As discussed above, this limitation is the same as another filmmaker going to Blockbuster and renting another filmmaker's film. The limitation is neither unique nor original.

6. In reference to claim 22, the Applicant presents the same argument that was addressed previously. i.e. an electronic asset assigned by a user, the user having one of a plurality of user accounts, controlling the assignment to another user having another one of the plurality of user accounts, therefore the reply remains the same.

7. The concept of an electronic asset assigned by a user having one of a plurality of user accounts is the same as an author having a library card where her book is lent out. She has one of the pluralities of user accounts at the library. This concept is obvious.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-3, 12-13, 16-19,21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert et al. US 4937863 [Robert'863], and further in view of Leyba et al. U.S. Patent 5,911,045 [Leyba '045].

As per claim 1:

Robert '863 discloses:

an electronic asset lending library database containing a plurality of user accounts. Fig. 1, 10

an account manager to maintain the user accounts; Fig. 1, 10

an asset manager to maintain the licenses for the electronic assets; Fig. 1, 12

a loan manager to control the assignment of the license for the electronic asset to another user having another one of the plurality of user accounts; Fig. 1, 15

Robert '863 discloses the claimed invention except for at least one license for an unused electronic asset assigned by a user having one of the plurality of user accounts. Leyba '045 teaches that it is known in the art to provide a plurality of users being registered over a network to share information. Col. 1, lines 50-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic asset lending library database of Robert '863 with a plurality of users being registered over a network to share information of Leyba '045, in order to provide the users with the

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opportunity to network to entities that have similar interest and more inclined to use their electronic asset.

As per claim 2.

Robert '863 further discloses:

a notification manager to notify an assignee of the license for the electronic asset_ when the loan manager approves an assignment to the assignee *of the* license for the electronic asset. Col. 5, lines 30-68.

As per claim 3.

Robert '863 further discloses:

the account manager further maintains a subset of the plurality of user accounts as members of a one of a plurality of communities; Fig. 1, **17** (group license table)

the asset manager further maintains ownership of the license by one of the communities; Fig. 1, **12** (license unit table)
and

the loan manager restricts the assignment of the license for the electronic asset to an assignee having a user account in the community having ownership of the license. Col. 4, lines 1-47.

Robert '863 discloses the claimed invention except for restricting the assignment of the license for the electronic asset to an assignee having a user account in the community having ownership of the license. Leyba '045 teaches

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that it is known in the art to provide a plurality of users being registered over a network to share information. Col. 1, lines 50-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic asset lending library database of Robert '863 with a plurality of users being registered over a network to share information of Leyba '045, in order to provide the users with the opportunity to network to entities that have similar interest and more inclined to use their electronic asset.

As per claim 12.

Robert '863 discloses:

manage a plurality of user accounts; Fig. 1, **10** (License Management Facility)

manage_at least one license for an electronic asset assigned by a user having one of the plurality of user accounts; Fig. 1, **14** (Licensed Program)

control the assignment of the at least one license for the used electronic asset to another user having another one of *the* plurality of user accounts; Fig. 1, **15** (Licensing Policy Module)

notify the assignee when an assignment to the assignee of the license for the electronic asset is approved. Col. 5, lines 30-46.

As per claim 13.

Robert '863 discloses:

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manage the plurality of user accounts ... to associate each user account with a one of a plurality of communities; Fig. 1, **17** (Group license table) Col. 3, lines 3-25.

manage_the license ... to associate the license with a one of the plurality of communities and assign the license to one of the plurality of user accounts; Fig. 1, **12** (License unit tables)

control the assignment of the at least one license_... to restrict_the assignment of the license to eligible assignees, wherein an eligible assignee is associated with the same community as the license. Fig. 1, **15** (Licensing Policy Module) Col. 3, lines 40-68.

As per claim 16.

Robert '863 discloses:

managing a plurality of user accounts; Fig. 1, **10** (License Management Facility)

managing licenses for a plurality of electronic assets; Fig. 1, **14** (Licensed Program)

receiving a request from a user of one of the plurality of user accounts to assign an electronic asset to another user of another of the plurality of user accounts; Fig. 4A-1

generating a license and associated license restrictions for the electronic asset according to the restrictions specified by the user requesting the assignment .

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Fig. 4A-1

adding the license of the electronic asset to the plurality of managed used electronic assets; Col. 6, lines 9-60

controlling the assignment of each license for the plurality of electronic assets to an assignee having one of the plurality of user accounts. Col. 6 & 7, lines 1-67.

As per claim 17.

Robert '863 further discloses:

managing the plurality of user accounts includes associating each user account with a one of a plurality of communities; Col. 3, lines 3-25.

managing the licenses includes associating each license with one of the plurality of communities and assigning each license to one of the plurality of user accounts; Col. 3, lines 40-68.

controlling further includes restricting the assignment of licenses to an assignee that is associated with the same community as the license. Col. 8, lines 4-20.

As per claim 18.

Robert '863 further discloses:

wherein the one of a plurality of communities is an organizational entity, including a division, department or team. Col. 3, lines 3-25.

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As per claim 19.

Robert '863 further discloses:

displaying the plurality of unused electronic assets. Col. 3, lines 40-68,
Col. 4, lines 1-68.

As per claim 21.

Robert '863 further discloses:

managing the plurality of user accounts includes adding or deleting each
user account into at least one of a plurality of access control lists . Col. 3, lines
1-67.

managing the license includes associating the used electronic asset with
a one of the plurality of access control lists; Col. 3, lines 1-67.

controlling further includes restricting the assignment of a license to an
assignee listed on the access control list to which the electronic asset is
assigned. Col. 3 & 4, lines 1-67.

**Claims 22-26 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Wyman U.S. 5,745,879 [Wyman '879], and further in view
of Leyba et al. U.S. Patent 5,911,045 [Leyba '045].**

As per claim 22.

managing a plurality of user accounts; Col. 6, lines 13-25

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generating a license and associated license restrictions for an electronic asset on a lending library server, the electronic asset assigned by a user having one of the plurality of user accounts; Col. 6, lines 13-25.

displaying to an assignee having another one of the plurality of user accounts the license and associated license restrictions on a lending library client; Col. 6, lines 39-68, Col. 7, lines 1-5.

receiving an assignee's selection for the license and transferring the license to the assignee if eligible in accordance with the associated license restrictions; Col. 6, lines 1-35

transmitting to the assignee instructions for the installation of the used electronic asset in compliance with the transferred license on the lending library client. Col. 6, lines 1-35.

Wyman '879 discloses the claimed invention except for specifying a plurality of user accounts. Leyba '045 teaches that it is known in the art to provide a plurality of users being registered over a network to share information. Col. 1, lines 50-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic asset lending library database of Wyman '879 with a plurality of users being registered over a network to share information of Leyba '045, in order to provide the users with the opportunity to network to entities that have similar interest and more inclined to use their electronic asset.

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As per claim 23.

Wyman '879 further discloses:

wherein the lending library server and the lending library client are connected to a communications network. Fig. 1, **21,22**.

As per claim 24.

Wyman '879 further discloses:

wherein the associated license restrictions require the assignee to belong to a community, the community being the same community to which the unused electronic asset belongs. Col. 22, lines 62-68, Col. 23, lines 1-23.

As per claim 25.

Wyman '879 further discloses:

wherein the associated license restrictions further require the assignee to be listed on an access control list associated with the electronic asset. Col. 24, lines 3-68.

As per claim 26.

Wyman '879 further discloses:

wherein the community is an organizational entity, including a division, department or team. Col. 21, lines 47-68, Col. 22, lines 1-20.

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Claims 4-5,7-10, 11,14-15,20,27,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert et al. US 4937863 [Robert'863], Ginter et al. US 5892900 [Ginter'900], Leyba '045, and further in view of Wyman US 5745879 [Wyman'879]

As per claim 4.

Robert '863 further discloses:

the account manager further maintains a subset of the plurality of user accounts as members of a one of a plurality of access control lists; Fig. 1, 17 (Group License Table).

Ginter'900 discloses an Access Control List (ACL) that provide "go/no-go" permissions in an analogous art for the purpose of providing full control over pre-defined and user-defined application events. Col. 85, lines 20-25.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to call Robert'863 license data-base, Ginter' 900's Access Control List (ACL) because they both control the use of the various applications.

the asset manager further maintains an association between the access control list and the electronic asset; Col. 6, lines 9-30.

the loan manager restricts the assignment_of the license for the electronic asset to an assignee_having a user account in an access control list associated with the electronic asset. Col. 5, lines 1-10.

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As per claim 5.

Robert '863 further discloses:

wherein the access control list restriction is overridden in response to a request by an assignee_not having a user account in the access control list associated with the electronic asset. Col. 4, lines 48-68, Col. 5, lines 1-10.

As per claim 7.

Robert '863 further discloses:

wherein the assignee notification is an electronic message addressed to the assignee and containing written instructions for installing the used electronic asset. Col. 5, lines 1-67.

Ginter '900 discloses as per Fig. 69-69D wherein the borrower notification is an electronic message addressed to the borrower and containing written instructions for installing for downloading the unused electronic asset.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the procedures of Ginter '900 in the notification procedures of Robert ' 863 to facilitate the clarity of the procedure and provide assistance to the user.

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As per claim 8.

Robert '863 further discloses:

wherein the notification is communicated over a communications network.

Col. 3, lines 15-20.

As per claim 9.

Roberts '863 discloses the claimed invention, as discussed above, except for the step of wherein the communications network is the Internet. It would have been an obvious matter of design choice to modify the teachings of Roberts '863, to provide the step of wherein the communications network is the Internet. Since the applicant has not disclosed that wherein the communications network is the Internet solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Roberts '863 will perform the invention as claimed by the applicant with any means, method, or product to wherein the communications network is the Internet.

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As per claim 10.

Roberts '863 discloses the claimed invention, as discussed above, except for the step of an electronic distribution mechanism to install the electronic asset on the assignee's computer in response to the approval of an assignment of a license corresponding to the electronic asset.

It would have been an obvious matter of design choice to modify the teachings of Roberts '863, to provide the step of an electronic distribution mechanism to install the electronic asset on the assignee's computer in response to the approval of an assignment of a license corresponding to the electronic asset.

Since the applicant has not disclosed that an electronic distribution mechanism to install the electronic asset on the assignee's computer in response to the approval of an assignment of a license corresponding to the electronic asset solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Roberts '863 will perform the invention as claimed by the applicant with any means, method, or product to provide an electronic distribution mechanism to install the electronic asset on the assignee's computer in response to the approval of an assignment of a license corresponding to the electronic asset.

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As per claim 11.

Robert'863 further discloses wherein a community is one of a plurality of types. Col. 3, lines 3-25.

Robert'863 discloses the claimed invention except for the step of discloses wherein a community is one of a plurality of types of intra-organizational entities, including a project team, department, or division. It would have been an obvious matter of design choice to modify the teachings of Robert'863 to provide the step of discloses wherein a community is one of a plurality of types of intra-organizational entities, including a project team, department, or division. Since the applicant has not disclosed that discloses wherein a community is one of a plurality of types of intra-organizational entities, including a project team, department, or division solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Robert'863 will perform the invention as claimed by the applicant with any method, means, or product to discloses wherein a community is one of a plurality of types of intra-organizational entities, including a project team, department, or division.

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As per claim 14.

Robert'863 shows lines of communications between the different functions of his invention but does not show displaying the electronic assets. However, it is inherent in computer systems to display data.

Robert'863 further discloses reassign the license of the electronic asset to another on

As per claim 15.

Robert '863 discloses:

manage_the plurality of user accounts includes instructions to add or delete each user account into at least one of a plurality of access control lists.

Fig 1, 10

(License Management Facility)

manage the license includes instructions that associate_the electronic asset with a one of the plurality of access control lists; Col. 6, lines 9-31.

control the assignment of the at least one license_further includes ... to restrict the assignment of a license to an assignee listed on the access control list to which the electronic asset is assigned. Col. 5, lines 1-10.

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As per claim 20.

Robert '863 discloses:

receiving a selection of one of the plurality of electronic assets from the display by an assignee using one of the plurality of user accounts, approving an assignment of the electronic asset to the assignee based on the license restrictions associated with the used electronic asset, and reassigning the license for the electronic asset to the assignee's user account. Col. 3 & 4, lines 1-67.

As per Claim 27.

Robert'863 discloses an electronic asset lending library database (Col. 2, lines 63-68, Col. 4, lines 1-25) except for the step of wherein the electronic asset lending library database resides on a removable data storage device. It would have been an obvious matter of design choice to modify the teachings of Robert'863 to provide the step of wherein the electronic asset lending library database resides on a removable data storage device. Since the applicant has not disclosed that wherein the electronic asset lending library database resides on a removable data storage device solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Robert'863 will perform the invention as claimed by the applicant with any method, means, or

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product to wherein the electronic asset lending library database resides on a removable data storage device.

As per Claim 28.

Robert '863 discloses the claimed invention except for wherein the data storage device is a CD-ROM or a DVD-ROM. Wyman '879 teaches that it is known in the art to provide wherein the data storage device is a CD-ROM or a DVD-ROM. Col. 9, lines 49-60.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electronic asset lending library of Robert '863 with the data storage device as a CD-ROM or a DVD-ROM of Wyman'879, in order to provide flexibility in the system.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/21/2004

DLG



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